

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Civil Action No. 5:22-CV-00869-JKP-HJB

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DEPOSITION OF JOSEPH DANIEL BURGHARD

May 15, 2025

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Plaintiff:

DR. JOHN ROE,

v.

Defendants:

UNITED STATES OF AMERICA, et al.

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APPEARANCES:

Hendley & Hodges Law PLLC  
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and

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Appearing on behalf of Plaintiff.

DEFENDANT'S  
EXHIBIT

5

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: The time is 10 a.m. We  
3 are on the record. Today is May 15, 2025. This  
4 begins the recorded deposition of Daniel Burghard in  
5 the matter of Dr. John Roe versus United States of  
6 America, et al.

7 This deposition is being recorded via Zoom  
8 videoconferencing. The court reporter is Sheila  
9 Schiesser. The videographer is Maryvonne Tompkins.

10 The attorneys will introduce themselves  
11 starting with the Plaintiff, please.

12 MR. HODGES: Yes. Good morning. This is  
13 John Hodges on behalf of the Plaintiff. I'm joined  
14 by co-counsel, Lance Henry, and we also have our  
15 paralegal on this conference. She's here with us.  
16 Her name is Rebecca Bradshaw.

17 MS. SEEMAN: Katrina Seeman on behalf of  
18 the Government Defendants along with my co-counsel  
19 Joseph Gonzalez and Robert Green.

20 THE VIDEOGRAPHER: Our court reporter will  
21 please swear in the witness, and we can proceed.

22 THE COURT REPORTER: Mr. Burghard, would  
23 you raise your right hand, please.

24

25

1 JOSEPH DANIEL BURGHARD,  
2 called as a witness by the Plaintiff, having been  
3 duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. HODGES:

6 Q. Good morning, Mr. Burghard. My name is  
7 John Hodges. I'm one of the attorneys that  
8 represents Dr. Roe. I think -- I think it's kind of  
9 out in the open now he goes by Dr. [REDACTED]

10 And so I know that people call you "Danny"  
11 or "Daniel." Would you mind, for the record, giving  
12 us your full name, please, here.

13 A. It's Joseph Daniel Burghard. I go by the  
14 name of Danny.

15 Q. Yes, sir. I know -- Mr. Burghard, I know  
16 you gave your deposition testimony on behalf of a  
17 government witness -- or as a government witness a  
18 few weeks ago, but I also understand that was your  
19 first deposition.

20 So I'm going to go through a few rules  
21 just as a refresher to keep this moving along  
22 smoothly, okay?

23 A. Sounds great.

24 Q. Yes, sir. So you're aware that the oath  
25 that you just took is the same oath that you would

1 Special Programs. Within AQL, I run the AQLQ  
2 Division, which is the Advanced Cyber Intelligence  
3 Division there.

4 Q. Okay. Yes, sir. And can you tell us --  
5 can you tell us what role you had before then -- what  
6 position you had before this one?

7 A. Sure. Before being a division chief  
8 there, I was in the same division, but as a PEM, the  
9 Program Element Monitor.

10 Q. Yes, sir. Okay. So as the -- as the  
11 AQ -- as the division chief, AQLQ, can you tell us  
12 how long you've been there?

13 A. Sure. I've been there since 2017 both in  
14 my PEM and chief capacity.

15 Q. Okay. Okay. And then, so how long did  
16 you have that -- how long were you in that PEM  
17 capacity?

18 A. I only have become a division chief within  
19 the last year and a half or so, so the PEM the rest  
20 of the time.

21 Q. Okay. So you've been with AQL since 2017,  
22 but only the division chief for about the last year  
23 and a half or so?

24 A. That's right.

25 Q. Okay. I see. And so can you tell us how

1     there at AQL?

2           A.     Sure. Like I said, I'm the division chief  
3     there, so I manage both our cyber team and our intel  
4     team. And really what that means is we run several  
5     portfolios that span the entire Air Force. So we'll  
6     do primarily offensive cyber development there --  
7     development does not happen there. It happens in  
8     program offices across the country. So we basically  
9     manage the security and funding that supports all of  
10    those organizations across the Air Force.

11          Q.     Yes, sir. Okay. So what I'm trying to  
12    understand -- and I appreciate you giving us that.  
13    Are you -- as the division chief, are you in the  
14    business of developing some of these programs or  
15    implementing these programs?

16          A.     So we -- we basically see over -- we  
17    oversee the execution of funds and kind of the  
18    security classification governance that applies to  
19    special access programs like the ones we're talking  
20    about today.

21          Q.     Yes, sir. And so are you procuring these  
22    programs for implementation within the Air Force and  
23    other DoD, or are you --

24          A.     Correct.

25          Q.     I'm sorry. Go ahead.

1 out of now as well?

2 A. It is, yes.

3 Q. Okay. And so approximately -- you  
4 mentioned it was approximately five years ago that  
5 you first met Captain McVeigh?

6 A. Roughly five or six years; yes, sir.

7 Q. Yes, sir. Okay. And can you tell us --  
8 he was a program manager. Can you tell us what you  
9 understand that to mean?

10 A. Sure. That means he runs a subset of  
11 projects for that organization, and "by run  
12 projects," I mean he -- he oversees contract award,  
13 contractor performance, whoever the vendor might be  
14 for that effort. He oversees cost, schedule, and  
15 delivery of products associated with those contracts  
16 and then ensures that we're meeting proper milestones  
17 to eventually deliver capability.

18 Q. Okay. And can you tell us what your role  
19 is as between your role then as a PEM and Captain  
20 McVeigh?

21 A. Sure. So as a PEM, your role is to ensure  
22 that funding is being spent appropriately in terms of  
23 the scope of the program and that you're meeting OSD  
24 standards, those standards referred to as obligation  
25 and expenditures, and that we're eventually making

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1     sure the funds get us through that capability that we  
2     need at the end of the day for the warfighter.

3             So basically, we're the ones that issue  
4     funds to HNCO. They're the ones that would award to  
5     a vendor pursuant to executed, specific, identified  
6     projects, and they oversee the project there locally  
7     to completion.

8             Q.     Yes, sir. Okay. And so in your role as  
9     the PEM and you mentioned that you're releasing  
10    funds, you would have been releasing funds to Captain  
11    McVeigh for his project; is that fair?

12            A.     That's correct.

13            Q.     And would you -- would you be receiving  
14    information from Captain McVeigh before you're  
15    releasing funds?

16            A.     Regularly. We had weekly syncs, if you  
17    will, and then they're required to submit a monthly  
18    activity brief to us in terms of the status of the  
19    efforts.

20            Q.     Okay. And so he's sending you information  
21    about the progress of certain projects; is that fair?

22            A.     Yes.

23            Q.     Yes, sir. The relationship between you as  
24    the PEM and Captain McVeigh, would it be fair to say  
25    that you're his supervisor?

1 HNCO to some other team. I'm unaware of what that  
2 team was or what the reason was for moving him.

3 Q. Okay. You've heard that term "special  
4 programs" before?

5 A. Yes.

6 Q. Can you tell our judge, what's that mean,  
7 special programs?

8 A. So special programs referred to a program  
9 that requires additional protections. Typically it's  
10 called SAP, or Special Access Program. When you  
11 think of a security classification of critical data,  
12 national security, you have different classification  
13 levels. You know, I'm classified all the way up to  
14 top secret.

15 And you have -- even further means to  
16 protect that information like SITK and others, and  
17 then it goes beyond that to the most critical things,  
18 which are in SAPs, or Special Access Programs is what  
19 we're referring to here.

20 Q. Was Fibonacci a Special Access Program?

21 A. It was a project within a Special Access  
22 Program.

23 Q. Okay. So fair to say if it's a project  
24 within a Special Access Program, it would also  
25 qualify for whatever protections are afforded a



1 Special Access Program?

2 A. That's correct.

3 Q. Okay. Okay. I want to ask you now about  
4 Dr. [REDACTED] [REDACTED] Can you tell us when you first --  
5 when you first met Dr. [REDACTED]

6 A. Sure. That was probably also in that 2019  
7 time frame.

8 Q. It would have been about late summer,  
9 2019?

10 A. Probably, yeah, summertime of some sort,  
11 then.

12 Q. Okay. In the summer, yes, sir. And when  
13 you met him, had someone already discussed him before  
14 you met him?

15 A. Dan Brown had before, yes.

16 Q. Yes. So he -- he maybe -- can you tell us  
17 what Dan Brown said or suggested with regard to  
18 Dr. [REDACTED]

19 A. Sure. I guess Dan had close ties to some  
20 people at the National Security Agency, also known as  
21 NSA, in San Antonio, Texas. At the time I think he  
22 had this connection with Dr. [REDACTED]

23 He introduced us to Dr. [REDACTED] because of  
24 the field Dr. [REDACTED] was working in at the time. He  
25 was the chief data scientist for NSA, and they had

1 some ideas that he thought would be applicable to  
2 kick-starting a new program, which turned into  
3 Fibonacci.

4 Q. I see. And so Dan Brown presented  
5 Dr. [REDACTED] to you or suggested Dr. [REDACTED] Was  
6 that communication that Dan Brown had directly to  
7 you, or was that only through Captain McVeigh?

8 A. It's one that he made sure McVeigh was  
9 tracking it and aware of and then was recommended to  
10 come talk, you know, to us directly.

11 Q. Yes, sir. Okay. So about how long after  
12 that proposal did you first interact with  
13 Dr. [REDACTED]

14 A. It would have been a pretty short time  
15 frame. Maybe a month or two.

16 Q. Okay. And how did you first interact with  
17 Dr. [REDACTED]

18 A. I believe he actually flew up and came and  
19 saw saw us in person there at the Joint  
20 Bolling-Anacostia Base.

21 Q. Okay. And when he came, was he by  
22 himself, or were others with him?

23 A. It's been a long time. I don't remember,  
24 to be honest with you.

25 Q. Sorry. Let me ask a better question.

1 When he came -- he came up to Anacostia. Did Dan  
2 Brown and/or Captain McVeigh come with him?

3 MS. SEEMAN: Objection to form.

4 You can answer.

5 A. Like I mentioned, it's been five,  
6 six years. I don't remember, to be honest with you.

7 Q. (BY MR. HODGES) Okay. Can you -- can you  
8 tell us what the substance of that meeting was?

9 A. Sure. At the time there was the concept  
10 that he wanted to propose to be, you know, performed  
11 out of HNCO. It's his projects that he named the  
12 Fibonacci series, and he wanted to come tell us and  
13 provide a technical, kind of deep dive on what is  
14 this concept. How does it work? Is it something  
15 that we should, as the government, fund and go do?

16 Q. Okay. And so when he made that -- when he  
17 had that discussion with you, was it -- did you have  
18 another conversation with Mr. Brown or Captain  
19 McVeigh about it?

20 A. Absolutely.

21 Q. Did it -- were they already suggesting  
22 that this program be approved?

23 A. Yes.

24 Q. Okay. And so after that meeting with  
25 Dr. [REDACTED] was it approved?

1           A.     It was.

2           Q.     Okay. And so who was that project awarded  
3 to?

4           A.     It was awarded to HNCO --

5           Q.     Okay. And --

6           A.     -- as far as I'm concerned. I'm sorry. I  
7 would have dedicated some base funding to HNCO, and  
8 then it's up to them to go find a formal contractor  
9 to actually award a contract and execute the effort.

10          Q.     I see. So were you the approval authority  
11 for the Fibonacci program?

12          A.     For the funding, yes.

13          Q.     For the funding, yes, okay. And so you  
14 awarded it to HNCO, and it was HNCO's responsibility  
15 to go find a contractor to do that program?

16          A.     Correct.

17          Q.     What's your understanding of who they  
18 found?

19          A.     As far as I know, the biggest one that  
20 rings a bell is Kudu Dynamics.

21          Q.     And what role did Dr. [REDACTED] have once  
22 this -- once the Fibonacci programs were approved for  
23 funding?

24          A.     When they started, he was an NSA, a  
25 government employee. He was the chief data scientist

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1     there at NSA-Texas.

2           Q.     Yes, sir.

3           A.     We kept him in the role of a technical  
4     advisor to those efforts.

5           Q.     Okay. And how was he kept in that role as  
6     a technical advisor? Was he paid separately?

7           A.     No. He -- as an NSA employee, he has a  
8     special skill set. He's a very good mathematician,  
9     to be honest with you, and so he's there locally to  
10    San Antonio. As far as I understand it, he had just  
11    kind of that direct advisory, regular communication  
12    from his NSA capacity to HNCO.

13          Q.     Yes, sir. Okay. So I want to ask about  
14    that. You mentioned that he was -- he was a very  
15    good mathematician and things like that. Can you  
16    tell us generally your observations or evaluations of  
17    the work that he was -- that he was presenting?

18          A.     Sure. It was a very novel concept. To be  
19    honest with you, there is nothing quite like it, as  
20    far as I'm aware of in the current industry. So the  
21    concept was pretty game-changing, pretty state of the  
22    art, and there's no question it would have been a  
23    phenomenal capability.

24                 So it's -- and his concept was very  
25    technically sound. You know, at the time I was -- I

1 Q. Okay.

2 A. There was one issue, up and to the point,  
3 I was notified maybe a year into the effort that he  
4 took on some type of contractor role and started  
5 being paid for that, which, you know, was perceived  
6 it could have been a potential conflict of interest  
7 there.

8 Q. Yes, sir. We'll talk about that in a few  
9 moments, yes, sir. I appreciate you bringing that  
10 up. Did Dr. Roe work on any other projects at HNCO?

11 A. Not that I'm aware of.

12 Q. Okay. Are you aware of whether or not he  
13 presented any other projects at HNCO?

14 A. If he did, I was not aware.

15 Q. Yes, sir. You've heard this term being  
16 "read in" to programs and projects; is that right?

17 A. Yes.

18 Q. Yes, sir. Can you tell us what that  
19 means, to be "read in"?

20 A. Sure. I'm happy to. That just means  
21 you're getting clearance to that Special Access  
22 Program, and what that means, once you're cleared, it  
23 means you're able to talk about that program,  
24 contribute to the program, access to the data and the  
25 files for that program, and as long as you're treated

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1 within those SAP-protected channels.

2 Q. Yes, sir. And can we do the reverse for  
3 being read out?

4 A. Sure. When you're read off of a program,  
5 you know, all's that really means is that you no  
6 longer have a need to know. You're no longer  
7 materially contributing to the effort. And then your  
8 access to everything that's protected in there, it's  
9 cut off at that time.

10 Q. Okay. And so any permissions that you had  
11 to access information, that's withdrawn?

12 A. That's correct.

13 Q. All right. Okay. Do you know if Dr. Roe  
14 was ever read into Special Access Programs?

15 A. He was, yes.

16 Q. And was he -- was he ever read out of  
17 Special Access Programs?

18 A. He was, but to my knowledge, he was  
19 actually cleared to some currently still today.

20 Q. Okay. When you say that he's cleared to  
21 some, can you tell us, first, how do you know that?

22 A. So part of my job is actually approving  
23 people to get cleared, and so I have access to the  
24 database called Jade, so as soon as someone is  
25 submitted to become cleared to Special Access

1 Programs, you know, you put what's called a PAR,  
2 P-A-R, and that goes into Jade. It gets adjudicated  
3 through many different security checks and eventually  
4 approved so someone can get read in, and then the  
5 reverse is true to get read out.

6 Q. And it's -- you mentioned in your role you  
7 have access, but you are -- are you an approving  
8 authority for people being read in?

9 A. Yes. I had the authority delegated down  
10 to me.

11 Q. Okay. And so for Dr. [REDACTED] were you  
12 the approving authority that read him in?

13 A. Most likely, yes, because at the time as a  
14 PEM, I only got -- it's called triple A authority. I  
15 didn't get triple A authority until kind of half my  
16 tenure into being a PEM. And so I'm not sure if I  
17 would have been at the initial onset of him being  
18 read in. Definitely was by the time he got read out,  
19 though.

20 Q. Okay. And so is the reverse true, then,  
21 that you're the authority, and you have the authority  
22 to revoke someone's access?

23 A. I can do that, but we typically also allow  
24 our program offices to do that locally so they can --  
25 you know, they have firsthand knowledge and need an



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1 understanding of the security requirements for their  
2 people; and so, typically, we like it to be done  
3 locally at the program offices. But, yes, I can do  
4 that also.

5 Q. Yes, sir. And so HNCO has the authority  
6 to read someone out?

7 A. Correct. That's a routine thing. I mean,  
8 if you think about it, military people, PCS people  
9 move on all the time. People quit and go to other  
10 jobs, and so those are pretty routine actions, yes.

11 Q. Yes, sir. But did HNCO have the authority  
12 read someone in?

13 A. They do. They can conduct the read-in  
14 once the approval has been granted.

15 Q. So fair to say that they can't  
16 unilaterally do a full read-in?

17 A. Correct.

18 Q. And so they would need access from someone  
19 like you to do the full access?

20 A. Correct.

21 Q. Okay. They can do the full read-out  
22 without your permission?

23 A. They can, yes.

24 Q. Okay. All right. Okay. And so you  
25 mentioned that he is still in some programs. Can you

1 MS. SEEMAN: Objection to form.

2 You can answer.

3 A. No.

4 MR. HODGES: Okay. We've been going for  
5 about an hour, and I apologize, y'all. I probably  
6 had a little too much water before we got started.  
7 Do you mind if we take ten?

8 MS. SEEMAN: That's fine.

9 MR. HODGES: Yeah, maybe -- 12:03. I  
10 guess come back at 13.

11 THE VIDEOGRAPHER: Let's go off the  
12 record. The time is 11:03. We are going off the  
13 record.

14 (Break was taken from 11:03 a.m. to  
15 11:15 a.m.)

16 THE VIDEOGRAPHER: The time is 11:15. We  
17 are back on the record.

18 Q. (BY MR. HODGES) Okay. Mr. Burghard, I  
19 want to ask you a little bit now about you mentioned  
20 that you became aware of this -- that there was an  
21 issue with Dr. [REDACTED] in his NSA capacity and a  
22 contractor capacity.

23 Can you tell us -- you may have already  
24 said it, and I apologize if this is a repeated  
25 question. Can you tell us how you became aware of

1 that allegation?

2 A. Sure. It would have been a phone call  
3 from Will McVeigh.

4 Q. Okay. And can you tell us why that would  
5 have come from Captain McVeigh instead of Colonel  
6 Ekholm?

7 A. I mean, I think it's just because he's --  
8 it's one of McVeigh's programs involving somebody  
9 from one of his programs, so he would have had the  
10 first exposure, first chance to report, you know.

11 Q. Okay. And so you say he would have given  
12 you a phone call. Can you tell us what he said?

13 A. You know, I don't remember to the tee, but  
14 it would have been something, you know, to the extent  
15 of, Hey, I think we have a potential conflict of  
16 interest here. We just found out that Dr. [REDACTED]  
17 was basically performing the same work in a  
18 contractor capacity that he was in his government  
19 capacity.

20 Q. Okay. And did he explain to you why he  
21 felt that was a conflict of interest?

22 A. He did. And, you know, his take on it at  
23 the time is, you know, he's getting paid from the  
24 government for the same thing twice. I mean, that --  
25 and what I mean by that is he's providing technical

1 advice in his NSA role while he's also providing  
2 technical advice in his contractor role for the exact  
3 same project.

4 Q. Okay. And can you tell us, what did you  
5 do after you got this information or this allegation  
6 from Captain McVeigh?

7 A. Sure. I told him to document it and to  
8 kind of start looking into the facts to see, is that  
9 really truly a conflict of interest.

10 MR. HODGES: Okay. And so I'll ask  
11 Rebecca -- Rebecca, would you pull up 477. Looks  
12 like 477 to 480.

13 Q. (BY MR. HODGES) So, Mr. Burghard, are you  
14 able to see the screen? It's changed, of course, and  
15 I believe we've got a document -- we've got a  
16 document up on the screen. Do you mind reading the  
17 bottom right-hand corner? I just want to confirm  
18 that you and I are looking at the same thing.

19 MS. SEEMAN: Are we able to zoom in?

20 A. Yeah, I was going to say it's pretty  
21 small.

22 MR. GONZALEZ: I have a copy of it here  
23 that's unmarked that I'm going to put in front of the  
24 witness. You said 477 to 480?

25 MR. HODGES: Yes, sir, we're going 477

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1 to 480.

2 MR. GONZALEZ: Okay. I'm going to put a  
3 copy that's unmarked in front of him.

4 A. Sure. And to your question, John, the  
5 lower right-hand corner says, "US," a bunch of zeros,  
6 "477."

7 (Deposition Exhibit 1 was marked for  
8 identification.)

9 Q. (BY MR. HODGES) Okay. Thank you, sir. So  
10 I'm going to offer this as Exhibit 1 to your  
11 deposition. So Exhibit 1, for the record, is a  
12 four-page document starting at US\_477, ending at  
13 US\_480.

14 Okay. And so I've asked Rebecca to kind  
15 of show us --

16 MR. HODGES: If you would, Rebecca, show  
17 us maybe the last -- the bottom of the third and the  
18 top of the last. Okay. So thank you, Rebecca.

19 Q. (BY MR. HODGES) So, Mr. Burghard, when we  
20 look at this document here -- I know you've got 480  
21 in front of you in print -- do you recognize this  
22 document?

23 A. I do, yes.

24 Q. Yes, sir. Can you tell us what we're  
25 looking at here?

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1           A.       Sure. This would have been an e-mail from  
2 me to, at the time, Captain Will McVeigh and probably  
3 would have followed our phone call that we just  
4 discussed.

5           Q.       Yes, sir. And so do you see the date on  
6 this e-mail that you sent Captain McVeigh?

7           A.       I do, yes.

8           Q.       Yes, sir. It says, April 19th, 2020.  
9 Does that fit your recollection of approximately when  
10 you would have become aware of Captain McVeigh's  
11 allegations?

12          A.       Yes.

13                   MR. GONZALEZ: Did you say April or  
14 August?

15          A.       It's August on the document.

16                   MR. HODGES: Yeah, Joseph, it sounds like  
17 you might know better about what I said. Sorry,  
18 y'all.

19          Q.       (BY MR. HODGES) The document says what it  
20 says, right, Mr. Burghard?

21                   MS. SEEMAN: Just to interject quickly.  
22 If we could stop with the highlighting. It's a  
23 little difficult to track, and I think the witness,  
24 because he has the print copy, can look for the  
25 information without prompting from the screen?

1 blacklisted isn't something that's written down in  
2 some -- in some book somewhere, right?

3 MS. SEEMAN: Objection to form.

4 You can answer.

5 A. Maybe.

6 Q. (BY MR. HODGES) Maybe, but the common --  
7 your understanding of the common use of that term is  
8 just this person's name, we don't want them around;  
9 we can't work with them?

10 A. For the common definition, true.

11 Q. Yes, sir. And so was Dr. [REDACTED] ever  
12 blacklisted from HNCOC?

13 A. Not to my knowledge.

14 Q. Okay. From your perspective at AQL, if  
15 Dr. [REDACTED] name or products come across your desk,  
16 is he blacklisted?

17 A. No, not at all. I would --

18 Q. And so --

19 THE COURT REPORTER: You what?

20 Q. (BY MR. HODGES) I'm sorry. I cut you  
21 off.

22 A. I said I would welcome that, actually.

23 Q. In fact, you would prefer Dr. [REDACTED]  
24 products because you know that he presents a good  
25 product and he's got novel ideas; is that fair?

1 up at any point, please just let me know, okay?

2 THE COURT REPORTER: Okay.

3 EXAMINATION

4 BY MS. SEEMAN:

5 Q. So, Mr. Burghard, when Dr. [REDACTED] came  
6 over to HNCO, what capacity were you aware that he  
7 was working in?

8 A. In his NSA capacity as the chief data  
9 scientist at NSA-San Antonio, Texas.

10 Q. Earlier we talked about PARs, or Program  
11 Access Requests. Who did Dr. [REDACTED] Program  
12 Access Requests to the HNCO special programs?

13 A. As far as who submitted it, it would have  
14 been someone at HNCO, and then I would have likely  
15 approved it.

16 Q. What was the basis for his access to the  
17 HNCO SAP?

18 A. He was providing technical guidance and  
19 advice in his government capacity to the program.

20 Q. And that's through his employment with the  
21 NSA, correct?

22 A. That's right.

23 Q. Did Dr. [REDACTED] ever tell you that NSA was  
24 no longer interested in the technology or project?

25 A. No.



1 Q. Did anyone at NSA ever tell you that the  
2 agency was no longer interested?

3 A. They -- he did mention that NSA is not  
4 investing in this area, and so it was available to be  
5 invested in, yes.

6 Q. Did anyone at NSA ever tell you personally  
7 that Dr. [REDACTED] work at HNCO was not done in his  
8 capacity as a government employee?

9 A. No.

10 Q. Earlier we also talked about PMRs, or  
11 Program Management Reviews. Just briefly, what is  
12 the purpose of those?

13 A. Those are events held twice a year to  
14 assess the programmatic status of the programs we  
15 invest in.

16 Q. Who is allowed in the room?

17 A. Only folks that are appropriately cleared.

18 Q. Do you have to be read in to attend the  
19 PMR?

20 A. You do, yes.

21 Q. Did Dr. [REDACTED] ever attend any PMRs?

22 A. He did.

23 Q. In what capacity?

24 A. In his NSA government capacity.

25 Q. How do you know?

1           A.     I have slides he presented that say he was  
2     an NSA data scientist.

3           Q.     Are contractors permitted to attend PMRs?

4           A.     Very rarely.

5           Q.     Under what circumstances would they be  
6     allowed?

7           A.     Typically, they would present at a PMR if  
8     there's reason that a program office wants to go to a  
9     certain level of technical details that that  
10    contractor or vendor can speak better to.

11                   And typically, vendors won't be as broadly  
12    cleared to people that are allowed to be at a PMR, so  
13    we'll bring the security level down, have those  
14    people present -- those people being the vendors --  
15    present at that lower classification level and then  
16    leave, and the security level is brought back up at a  
17    higher level after they're gone.

18          Q.     When Dr. [REDACTED] attended and presented at  
19    a PMR, were you aware he was also working as a Global  
20    InfoTek consultant or subcontractor?

21          A.     I was not.

22          Q.     Do PMRs have any influence on funding?

23          A.     It can. It -- I mean, it gives a  
24    record-check on where is the program actually in it's  
25    status based on the schedules, cost, and performance.

1 Q. Is it concerning to you when a government  
2 employee does not disclose their subcontractor role?

3 A. It is.

4 MR. HODGES: Object to form.

5 Q. (BY MS. SEEMAN) If you can repeat your  
6 answer.

7 A. It is, yeah.

8 Q. Why?

9 A. Even if there's an appearance of a  
10 conflict of interest, it's concerning, you know, just  
11 from appearances, if nothing else.

12 Q. Earlier we also talked about being read  
13 out and debriefed. When you found out that  
14 Dr. [REDACTED] was leaving NSA, what did you do?

15 A. I administratively read him out.

16 Q. What does that mean?

17 A. It basically means I go into Jade. I  
18 click the button to read him out, and that's -- it's  
19 pretty routine. For example, we have military folks  
20 that PCS all the time or people that are -- they quit  
21 in a short time span when people are out of the  
22 office to do an official read-in.

23 But it doesn't mean that people can't also  
24 still have them sign and understand what he's signing  
25 for it to be read out.

1 Q. What are the consequences of an  
2 administrative debrief?

3 A. It means you basically lose access to  
4 information protected by the -- that SAP program.  
5 You lose information. You lose the ability to access  
6 the information. You essentially lose access.

7 Q. Do you also lose access to the facilities?

8 A. You do.

9 Q. Why?

10 A. Typically there's a common level to the  
11 facility to enter, and if you're not read into that,  
12 are you not allowed to enter the facility.

13 Q. So if Dr. [REDACTED] as a contractor did  
14 not -- was not read in, in that respect, would he be  
15 able to access the facility after his administrative  
16 debriefing?

17 A. He would not be able to.

18 MS. SEEMAN: Nothing further.

19 THE VIDEOGRAPHER: Okay. The time -- oh,  
20 sorry. I need my glasses. The time is 1 o'clock.  
21 We are going off the record. This will complete the  
22 deposition for today.

23 THE COURT REPORTER: Mr. Hodges, do you  
24 want a transcript?

25 MR. HODGES: Yes, please, E-tran.

1 STATE OF COLORADO )  
2 ) ss. REPORTER'S CERTIFICATE  
3 COUNTY OF DENVER )

4 I, Sheila R. Schiesser, do hereby certify  
5 that I am a Registered Professional Reporter,  
6 Certified Realtime Reporter, and Notary Public within  
7 the State of Colorado; that previous to the  
8 commencement of the examination, the deponent was  
9 duly sworn to testify to the truth.

10 I further certify that this deposition was  
11 taken in shorthand by me via Zoom videoconferencing  
12 and was thereafter reduced to typewritten form, and  
13 that the foregoing constitutes a true and correct  
14 transcript.

15 I further certify that I am not related to,  
16 employed by, nor of counsel for any of the parties or  
17 attorneys herein, nor otherwise interested in the  
18 result of the within action.

19 In witness whereof, I have affixed my  
20 signature this 27th day of May, 2025.


21 My commission expires January 11, 2027.

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25

  
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